

§ 2500.012

competition is not deemed appropriate for a particular transaction. Such determination shall be limited to transactions where it can be adequately justified that a noncompetitive award is in the best interest of the Federal Government and necessary to the goals of the program. Non-competitive determinations will comply with regulations established in 7 CFR 3015.158(d).

§ 2500.012 Requests for proposals.

(a) *General.* For each competitive grant or cooperative agreement, OAO will prepare a program solicitation (also called a request for proposals (RFP)). The RFP may include all or a portion of the following items:

- (1) Contact information.
- (2) Catalog of Federal Domestic Assistance (CFDA) number.
- (3) Legislative authority and background information.
- (4) Purpose, priorities, and fund availability.
- (5) Program-specific eligibility requirements.
- (6) Program-specific restrictions on the use of funds, if applicable.
- (7) Matching requirements, if applicable.
- (8) Acceptable types of proposals.
- (9) Types of projects to be given priority consideration, including maximum anticipated awards and maximum project lengths, if applicable.
- (10) Program areas, if applicable.
- (11) Funding restrictions, if applicable.
- (12) Directions for obtaining additional requests for proposals and proposal forms.
- (13) Information about how to obtain proposal forms and the instructions for completing such forms.
- (14) Instructions and requirements for submitting proposals, including submission deadline(s).
- (15) Explanation of the proposal evaluation process.
- (16) Specific evaluation criteria used in the review process.
- (17) Type of Federal assistance awards (*i.e.*, grants or cooperative agreements).

(b) *RFP variations.* Where program-specific requirements differ from the requirements established in this part, program solicitations will also address

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any such variation(s). Variations may occur in the following:

- (1) Award management guidelines.
- (2) Restrictions on the delegation of fiscal responsibility.
- (3) Required approval for changes to project plans.
- (4) Expected program outputs and reporting requirements, if applicable.
- (5) Applicable Federal statutes and regulations.
- (6) Confidential aspects of proposals and awards, if applicable.
- (7) Regulatory information.
- (8) Definitions.
- (9) Minimum and maximum budget requests and whether proposals outside of these limits will be returned without further review.

(c) *Program announcements.* Occasionally, OAO will issue a program announcement (PA) to alert potential applicants and the public about new and ongoing funding opportunities. These PAs may provide tentative due dates and are released without associated proposal packages. No proposals are solicited under a PA. PAs will be announced in the FEDERAL REGISTER or on the OAO Web site.

§ 2500.013 Types of proposals.

The type of proposal acceptable may vary by funding opportunity. The RFP will stipulate what will be required for submission to OAO in response to the funding opportunity.

§ 2500.014 Eligibility requirements.

Program-specific eligibility requirements appear in the subpart applicable to each program and in the corresponding RFPs.

§ 2500.015 Content of a proposal.

The RFP provides instructions on how to access a funding opportunity. The funding opportunity contains the proposal package, which includes the forms necessary for completion of a proposal in response to the RFP. The RFP will be posted on <http://www.Grants.gov>. OAO may also publish the RFP in the FEDERAL REGISTER.

§ 2500.016 Submission of a proposal.

The RFP will provide deadlines for the submission of proposals. OAO may issue separate RFPs and/or establish

separate deadlines for different types of proposals, different award instruments, or different topics or phases of the assistance programs. If proposals are not received by applicable deadlines, they will not be considered for funding. Exceptions will be considered only when extenuating circumstances exist, as determined by OAO, and justification and supporting documentation are provided by the applicant. Conformance with preparation and submission instructions is required and will be strictly enforced unless a deviation has been approved. OAO may establish additional requirements. OAO may return without review proposals that are not consistent with the RFP instructions.

§ 2500.017 Confidentiality of proposals and awards.

(a) *General.* Names of entities submitting proposals, as well as proposal contents and evaluations, except to those involved in the review process, will be kept confidential to the extent permissible by law.

(b) *Identifying confidential and proprietary information in a proposal.* If a proposal contains proprietary information that constitutes a trade secret, proprietary commercial or financial information, confidential personal information, or data affecting the national security, it will be treated in confidence to the extent permitted by law, provided that the information is clearly marked by the applicant with the term “confidential and proprietary information.” In addition, the following statement must be included at the bottom of the project narrative or any other attachment included in the proposal that contains such information: “The following pages (specify) contain proprietary information which (name of proposing organization) requests not to be released to persons outside the Government, except for purposes of evaluation.”

(c) *Disposition of proposals.* By law, OAO is required to make the final decisions as to whether the information is required to be kept in confidence. Information contained in unsuccessful proposals will remain the property of the applicant. However, the Department will retain for three years one

file copy of each proposal received; extra copies will be destroyed. Public release of information from any proposal submitted will be subject to existing legal requirements. Any proposal that is funded will be considered an integral part of the award and normally will be made available to the public upon request, except for information designated proprietary by OAO.

(d) *Submission of proprietary information.* The inclusion of proprietary information is discouraged unless it is necessary for the proper evaluation of the proposal. If proprietary information is to be included, it should be limited, set apart from other text on a separate page, and keyed to the text by numbers. It should be confined to a few critical technical items that, if disclosed, could jeopardize the obtaining of foreign or domestic patents. Trade secrets, salaries, or other information that could jeopardize commercial competitiveness should be similarly keyed and presented on a separate page. Proposals or reports that attempt to restrict dissemination of large amounts of information may be found unacceptable by OAO and constitute grounds for return of the proposal without further consideration. Without assuming any liability for inadvertent disclosure, OAO will limit dissemination of such information to its employees and, where necessary for the evaluation of the proposal, to outside reviewers on a confidential basis.

§ 2500.018 Electronic submission.

Applicants and awardees are encouraged, but not required, to submit proposals and reports in electronic form as prescribed in the RFP issued by OAO and in the applicable award agreement.

Subpart C—Pre-Award: Proposal Review and Evaluation

§ 2500.021 Guiding principles.

The guiding principle for Federal assistance proposal review and evaluation is to ensure that each proposal is treated in a consistent and fair manner. After the evaluation process by the review panel, OAO will provide an opportunity for applicant feedback in as timely a manner as possible.